

SPEECH

OF

HON. D. R. ATCHISON, OF MISSOURI,

1807-1886

ON

THE OREGON QUESTION.

DELIVERED

IN THE SENATE OF THE UNITED STATES, MARCH 12, 1846.

The Joint Resolution for giving the notice to terminate the convention between the United States and Great Britain, relative to the Oregon territory, being under consideration—

Mr. ATCHISON, of Missouri, being entitled to the floor, promised, in the outset of his remarks, that he would not long detain the Senate, nor should he now have deemed it necessary to say a word on the subject, had not the question, within the last week, assumed a new aspect. Various propositions for notice had been submitted to the body, but the object common to all of them was to give notice to the British Government of the termination of the joint occupancy of the Oregon territory after the expiration of twelve months. Mr. A. preferred among these that form of notice which went to accomplish this end in the fewest words and in the most pointed terms. For this reason he gave the preference to the resolution as reported from the Committee on Foreign Relations. It went to effect its object directly, and was unencumbered by conditions of any sort. Mr. A., however, was ready, if this did not prevail, to go for the resolution which had been sent from the House of Representatives. Yet it was with great reluctance that he could bring himself to vote for the second clause of that resolution. He objected to it because, if it meant anything, it was intended to interfere with the rights and the discretion of the two parties in the present controversy to renew or to pursue negotiation for an amicable settlement of the difficulty. It seemed to Mr. A. that the American Congress could confer no power on the Government to negotiate; that power resided in the President of the United States on one hand, and in the British Government on the other. He admitted that this construction might be placed on that resolution, and he knew that it had been. It might be understood as saying, "Although the President recommends to us

that notice should be given, and we confer on him the power to give such notice to England, yet we do it with reluctance, and we do it with timidity." If the latter clause meant anything, it meant this. Certainly the House could never intend to confer on the President the power to negotiate, and every one knew that they could not, under any circumstances, prevent negotiation if the President and the British Government desired it. The resolution, then, was to be understood to mean this: "Congress, by this resolution, do advise the President and the British Government to negotiate." If that was its meaning, then the second clause was mere surplusage, and, as such, Mr. A. protested against it; but still he was willing to vote for the whole resolution as it stood.

The resolutions proposed in the form of an amendment by the Senator from Kentucky [Mr. CRITTENDEN] were, in his view, still more objectionable, though his objection was directed more especially against the preamble. Mr. A. here read from Mr. CRITTENDEN's preamble as follows:

'With a view, therefore, that steps be taken for
'the abrogation of the said convention of the 6th
'August, 1827, in the mode prescribed by its 2d
'article, and that the attention of the Governments
'of both countries may be the more earnestly and
'immediately directed to renewed efforts for the
'settlement of all their differences and disputes in
'respect to said territory."

To this language Mr. A. objected. It was not with a view to commit the President that he should vote for the notice; it was not in the expectation of changing his course as to negotiation; that was a question he should submit to the President himself; he could negotiate or not, at his discretion and at his peril. Mr. A. went on to read from the resolution:

'That, in order to afford ampler time and oppor-

'tunity for the amicable settlement and adjustment of all their differences and disputes in respect to said territory, said notice ought not to be given till after the close of the present session of Congress."

To this clause he had yet more serious objections. In the first place, he had unlimited confidence in the discretion of the President, and was willing to leave it discretionary with him to give the notice or to withhold it, at his pleasure. But, though he had implicit confidence in the President's discretion, he was willing to share with him the responsibility of giving the notice, and not only willing, but anxious, to do so. But if the resolution proposed by the Senator from Kentucky, and which he had just read, should be adopted, then all Executive action in this matter during the present session of Congress must be put a stop to. There were a few measures which Congress might adopt, but they must be very limited in their extent until we were set free from the obligations imposed upon us by the treaty of joint occupation.

Mr. A. said he was prepared to vote for the notice, but not with any purpose thereby either to retard or to forward negotiation. He should vote for it without any regard either to peace or war. Those were matters which, as he conceived, should have no influence over his vote; they were matters entirely aside from the question. There was but one plain point presented to the Senate for its decision, and that was the simple question whether it was right, politic, and best for the interests of the country to give the proposed notice for annulling the treaty. This was the question, and the only question, on which the Senate was now called to act; it was the only question which should have been considered.

And here permit him to say that the Senator from New Jersey, [Mr. DAYTON,] the Senator from Maine, [Mr. EVANS,] and the Senator from Maryland, [Mr. JOHNSON,] the last of whom had so eloquently addressed the Senate yesterday, had each of them assumed high and manly ground. The Senator from New Jersey and the Senator from Maine doubted altogether of the policy of giving the proposed notice at this time, and, if their views were correct, they were bound to vote against it. This was the one and the only point to be considered. Encumbrances he knew had been thrown around it, and a great deal had been said about compromise and about title, which had nothing to do with the question. The amendment of the Senator from South Carolina, offered to the resolutions of the Senator from Indiana, [Mr. HANNEGAN,] are surfeited with compromises. Now, if a majority of the Senate were of the mind that there should be a compromise, and that we should make a concession of what we believed to be our rights for the sake of peace, and if they thought that the resolutions of the Senator from South Carolina were not sufficiently to the point, let gentlemen propose suitable amendments to them. Let them either leave the President unshackled, or let them offer abstract and substantive resolutions advising him to a compromise. This would be a plain and open course; and the opinion of the Senate, if thus expressed, would have quite as much weight with the Executive as if it were contained in a clause attached to this resolution of notice.

But the Senator from Maine [Mr. EVANS] was much embarrassed by this difficulty. He did not know what use the President intended to make of this notice if it was passed. He apprehended that the 54° 40' men in the Senate, at the head of whom stood Mr. A.'s friend from Indiana, [Mr. HANNEGAN,] who was considered on all hands as their leader, were willing to give the President what the Senator from North Carolina [Mr. HAYWOOD] called a great moral weapon, that thereby he might enforce our rights to the whole of Oregon, from California to the Russian line—from latitude 42° to 54° 40'. The Senator from North Carolina [Mr. HAYWOOD] informed the Senate that the President denied this to be his intention, but wished it in order to force a negotiation on the parallel of 49°. And the Senator from Maine, [Mr. EVANS,] in reference to this construction of the President's meaning, said that, in that view of the matter, the notice would not be so objectionable; but still he could not tell which of the two views was correct—whether the President wanted the notice for 54° 40', or whether he wanted it for 49°. Now, on this doubtful point, Mr. A. would ask leave to refer the Senator from Maine to the express declaration of the President himself when speaking on this subject of notice. He thought the President's language was so plain that it was impossible there should be any difference of opinion as to the construction that was to be put upon it. The Senator from North Carolina [Mr. HAYWOOD] assumed one construction, but the language itself carried quite another. Whether that Senator spoke with the tongue of the President or not, as to the meaning of this part of the Message, he thought there could be no difference between the 49° men and the 54° 40' men. What did the President say?

"All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting or who may hereafter inhabit Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention, a year's notice is required to be given by either party to the other before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating in this manner the convention of the 6th of August, 1827."

It was precisely for the reason here given by the President that Mr. A. sustained this resolution for notice. It was that the treaty of 1818 might be removed out of the way; that all objections to action on the part of Congress might be put an end to. Hitherto, whenever it had been proposed to erect a Territorial Government in Oregon, to extend our laws over the territory, to establish a chain of military posts, and to create Indian agencies in

that country, the advocates of these measures had been met upon the threshold by the argument, that all these things were inconsistent with the treaty. Hence arose the necessity, if either party desired to extend their jurisdiction over either the whole or a part of the territory, of annulling the convention of 1818, and thus removing all obstacles from their path. Mr. A. thought it a sufficient answer to the argument of the Senator from Maine [Mr. EVANS] to remind him that, whether the President intended to assert the jurisdiction of the United States, either now or hereafter, to the whole or to any part of Oregon—whether only to the Columbia river, or up to 49°, or to the whole extent of 54° 40'—the necessity of annulling this treaty was as great in the one case as in the other. The Senator from Maine believed our title to be good as far as 49°, though he thought that beyond that line shadows, clouds, and darkness rested upon it; though, on the whole, we had perhaps a better title than anybody else. Admitting all this to be so, still this notice was necessary before we could assert and establish exclusive jurisdiction to any part of the country, greater or less.

Mr. A. went on to say, that he had long since come to the conclusion—a conclusion based on facts known to all—that the policy of the Senator from South Carolina, who advocated what was called a “wise and masterly inactivity” in this matter, would not answer. We never should get the country in that way before the lapse of half a century. The Senator’s policy was, if he understood it, to do just nothing—to make no move, to enact no law, to hold out no encouragement to our citizens to settle there. This course had been already tried. This was the course we had been pursuing from 1818 to 1840, when Mr. A.’s predecessor, the lamented Dr. Linn, had first moved in this business. This move had come from the farthest frontier of the West. At the time he made it, there was not a solitary American settler in the territory. We had no trappers, no traders, no agriculturists. All these had come since.

Speeches and reports made in Congress from 1840 to '43 had been diligently distributed throughout the West by western Senators; and the Representatives in the other House had called the attention of the people of the West to the condition and advantages of this new territory. The first emigrants who ever went into that country for purposes of settlement and agriculture went from the western frontiers of the State of Missouri—and what had been their inducement? Mr. A. knew them well; he was personally acquainted with the men who went; and he knew that what they expected had been that this Government would extend over them the laws of the United States; that it would make to them donations in land, and would see that they were protected in their rights and property. They had been taught to believe that it was an object with this Government to take possession of that territory, and they were just the men to do it. It had been said that they were actuated merely by a wild spirit of adventure; and that perhaps might have had its influence with some; but it was not this alone which carried them to Oregon. Wild as that spirit might be, it never could have induced them to encounter such dangers

and difficulties as lay between their homes and this new country. Most of them went there to better their condition. Many of them were poor men with large families. They expected ample grants of land, and they were willing to risk their lives and encounter every privation and hardship that they might better their own condition, provide a home for their children, and carry out the policy of the Government. In 1843, the first company set out to cross the wilderness with the plough and the pruning hook in one hand, and with defensive weapons in the other. Since then this stream of emigration had constantly increased, and it was increasing at the present hour. But carry out the masterly inactivity of the Senator from South Carolina, and this increasing stream would shortly dwindle down to a small brook. Those brave and hardy pioneers who were now pouring over the mountains with their herds and flocks, would no longer be seen making their way through the wilderness as soon as it should be understood that the protection of this Government was to be withheld; that they were to be left to their own resources, or obliged to become British subjects. Mr. A. spoke from knowledge when he said that from that time emigration would cease. Hence he concluded that the Senator’s “masterly inactivity” would no longer do.

And here he would take occasion to remark, that, although when the Senator from North Carolina, who addressed the Senate a week ago, was speaking, Mr. A. had understood at the time, as he believed all the members of the Senate did understand, that the opinions he expressed were pretended by him to be those of the President of the United States, yet he could not, on reflection, refer to any particular expression from which he was justified in that conclusion; and he had since settled down in the opinion that the Senator spoke not from the mouth of the President, but from documents and from the record. He had put on the language of the President a different construction from that which his words seemed to others to bear; nor was this surprising, for we found that even the words of Holy Writ were viewed by men under very different constructions, and hence the variety of religious creeds. The Senator from North Carolina, when interrogated, had refused to answer. He would not expressly say whether he spoke with the tongue of the President or not. But Mr. A. had attributed this, in part, to the manner in which the interrogatory had been put to him. He did not altogether blame the Senator for refusing to answer when the interrogatories were put to him in a manner and with a tone of voice which he deemed exceptionable. From one of the expressions employed by the Senator, Mr. A. was led to infer that the reason why he had not replied was, that he would not appear to answer even under constructive compulsion; for he had said that, out of doors, and when mildly requested, he would do things which he had considered somewhat humiliating, but he would not do so when catechised in his place in the Senate. From the whole of what the Senator said, Mr. A. had, on reflection, been brought to the conclusion that he derived his information from the same source as the Senators from Ohio and Indiana did.

Mr. A. said he must here be allowed to go back

to the beginning, and to refer for a moment to the views which had been contained in the Baltimore resolutions, because they were in reality the foundation of this whole proceeding. He did not refer to these resolutions with any attempt to show that they were binding on the Senator from Maine, [Mr. EVANS,] the Senator from New Jersey, [Mr. DAYTON,] or the Senator from Maryland, [Mr. JOHNSON,] nor that they were binding on the masses of the Democratic party; but he did believe that, on every principle of good morals, those resolutions were binding on the members of the convention, and on those who were its nominees. The declaration of that convention was, in substance, that our title to the whole of Oregon was clear and unquestionable.

Now, Mr. A. insisted that the President of the United States, and the Vice President, or, if the liberty would be allowed him, that James K. Polk and George M. Dallas, were bound by that resolution, because, if they differed from it in sentiment, common honesty required them to inform the convention of that fact, and to decline the nomination. Was not this right? Would any gentleman dissent from it? Hence it was that the Senators from Indiana and Ohio had alluded to the convention in that connexion. Though the resolutions at Baltimore were not binding on the Senator from Maine, any more than the New Testament was binding on a Mussulman, or the Westminster Confession of Divines on a Methodist or Baptist, still, if they accepted the nomination, but dissented from the resolutions, they ought to have stated the fact and given their reasons.

Mr. A. admitted that the great masses of the Democratic party were not bound by all those resolutions. When a man joined a political party, or joined a church, though there might be in the tenets of that party or that church some which seemed objectionable to him, he weighed the whole case, and if, on the whole, he believed the creed of that party or church to be better than that of any other, he might conclude to join it, though he had still objections to some of its opinions. So, if Mr. A. believed the Democratic party to be sound in its doctrines, or, on the whole, better than the party opposed to it, he would join it. Yet he did not thereby bind himself to adopt every opinion it might put forth. On this ground it was that he held that the masses of the democracy were released from the obligation of resolutions passed at Baltimore. But the President of the Senate, and the President of the United States, having accepted the nominations of the convention there assembled, which convention had put forth these resolutions, were certainly, in common honesty, bound by them. Hence the known ground taken by the President, in the fact of his accepting the nomination, taken in connexion with the language of his Message, and the language of his Inaugural, left no doubt as to what his opinions really were. And who could think for a moment that the President would sacrifice rights which he had himself pronounced to be clear and unquestionable, and he a Democratic President? If the President could do this, then Mr. A. had no clear notions of right and wrong. If he had been appointed guardian over a ward, and his ward had a clear title to certain lands which were claimed by a third party, he

would put it to the common sense and common honesty of all men whether he should not be derailed to the sacred duty he owed to the fatherless, if he yielded up a half or a quarter of the land. Then, if the President of the United States, in the very first act of his official life, had declared our title to Oregon to be clear and unquestionable, and the people were fast going into Oregon to consummate that title by actual possession, how could he now go back from that ground and relinquish the territory by compromise? When the people of the West heard his declaration on this subject, the whole Democratic party, as one man, and large masses of the Whig party also, threw up their caps, and huzzaed for Polk and Dallas. His declaration was hailed and sanctioned by the Democratic presses everywhere, and by numerous public meetings. The declaration was three times reiterated in the course of his Message. In one clause of it he declared that our title to the whole of Oregon was the best in existence. Then he says:

“With this conviction, the proposition of compromise which had been made and rejected was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments.”

In another place he holds similar language. But, not content with three times declaring the clearness of our title, the President, in his Message, made a further declaration, which the Senator from North Carolina did not dwell upon, and in which he carried the matter to the extremest point:

“Near a quarter of a century ago, the principle was distinctly announced to the world, in the Annual Message of one of my predecessors, ‘that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.’ This principle will apply with greatly increased force, should any European Power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The re-assertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European Power should cherish the disposition to resist.”

Now, Mr. A. understood this to be an assertion by the President that neither England nor any other Power would be permitted to colonize on this continent; that it was not open for colonization to any. Whether in this language he referred to Oregon or not, Mr. A. could not undertake to say, though he believed that that was the only part of the continent at present free and unoccupied. Did he mean Oregon? or did he mean California? Did he mean to say that we should yield up part of Oregon for the express purpose of European colonization? Mr. A. could not for a moment believe it. Did he mean to include Mexico? And to declare that she should not transfer California to either England or France? That this Government would forbid her to do so? If so, then he went a

step beyond Mr. A.; but the moment any portion of Oregon should be ceded for the purpose of European colonization, every honest man in the country would repudiate the deed.

It was very unpleasant for Mr. A. to dwell on these topics. He acknowledged that he entertained on these subjects the same views which had been put forth by the Senator from Indiana, the Senator from Ohio, and the residue of the small corporal's guard who were the 54° 40' men on the floor of the Senate. If their number were still smaller—if they were but two; nay, if they were but one, and Mr. A. stood alone, it would be to him a matter of but small consequence. But he would leave this part of the subject. If he believed, as some Senators did, that the President desired this notice to enforce or to induce the surrender of any portion of Oregon, it would be with him the strongest possible argument against the measure; nay, he should much prefer the "masterly inactivity" of the Senator from South Carolina. In that case inactivity would be wise and masterly. By the one course we should certainly lose five and a half degrees of latitude, and by the other we could lose no more. In this sentiment I believe my friend from Indiana [Mr. HANNEGAN] fully concurs with me.

Mr. HANNEGAN nodded assent.

Mr. ARCHISON said he did not intend to go into the question of title; that had been well and fully argued by the Senator from South Carolina, [Mr. Calhoun,] when Secretary of State; by the gentleman now in the Department of State, [Mr. Buchanan,] as well as by the distinguished Senator from New York, [Mr. DICKINSON,] who had so ably argued it the other day. Mr. A. should do himself great injustice if he attempted a task which had been so well performed.

A very proper inquiry would be, to what portion of Oregon we were entitled; because to that extent we ought to assert our rights. If he thought that England had a better title than we to any portion of the territory, he would let her have it; but not if her title was doubtful; sooner than surrender an inch of it to her on a doubtful title, he would go to war.

A question had been raised here as to the propriety of discussing here the British title. He would not say how far this might be proper. He did not profess to be very competent to form an opinion when so high authorities differed; but, for himself, he should think it highly proper that Senators should discuss it. Certainly, he would much rather that they should do so than throw out hints that, if they only dared to do it, and public opinion would permit them, and they should not be charged with being British Whigs, they could show the British title to be as clear as a sunbeam. He approved the manly course pursued by the Senator from Maine, [Mr. EVANS,] though he did not presume to pass an opinion. He held it to be a solemn duty of a Senator, if he, on examination, came to the conclusion that England had a better title to the whole or any portion of the territory than we had, to enlighten the Senate and the country on the subject, lest we should be led into an unjust war. The motto, to ask nothing but what is right and to submit to nothing that is wrong, should be engraven in letters of gold, and always acted on. He could not but approve the course of

the Senator from Maine, though very high authority could be pleaded on the other side. A distinguished Senator had said that his tongue should be blistered in his mouth before it should utter a word against our title while it was under negotiation. The Senator might be right; Mr. A. would not undertake to pass judgment between them; but for himself, if he believed the English title to be better than our own, his tongue should be blistered in his mouth before he should say a word to deprive her of her just right. He should consider himself as doing his duty while speaking in defence of her title. He should hold it to be a duty to his country to prevent her, so far as he could, from rushing into an unrighteous war. He threw out these views with all deference to the better judgment of other more able and experienced Senators. They involved a question in morals; and he did not think himself much skilled in questions of that sort.

The President declared our title to be clear and unquestionable to the "whole of Oregon." But the Senator from North Carolina [Mr. HAYWOOD] raised a question as to what was the "whole of Oregon." This was rather a new question. They had been in the habit, in the West, of calling all that tract of country lying between the Rocky mountains and the Pacific ocean, and between California and the Russian possessions, Oregon. He believed all the modern maps laid it down as such, though he had not examined particularly.

But the Senator from North Carolina had also said that the President would compromise on 49°, and he went on to make a plausible argument to show that this was so because the President had actually offered to compromise on that line. But, if Mr. A. understood the President, he said that that offer had been made against his better judgment, and only out of deference to the acts of his predecessors; and that he had on that ground conducted the negotiation with a view to compromise. This was the excuse he offered to the American people for making the offer. But when the offer was withdrawn, then he spoke in the language of exultation, as if he was relieved from an oppressive load of responsibility. He spoke then like the President of the United States, or, as his friend near him suggested, like *Old Hickory*. And it seemed some source of self-gratulation that, though he had offered 49°, yet he had not gone quite as far as some of his predecessors, but had refused to accompany it with the navigation of the Columbia river, ("the navigation of an unnavigable river," as the Senator from Maine called it.) The President says:

"With this conviction, the proposition of compromise which had been made and rejected was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

"The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States, and this Government will be relieved from all responsibility which may follow the failure to settle the controversy."

Did he not speak with exultation of having withdrawn the offer, and affirmed our title to the whole territory?

But the Senator from North Carolina said, in substance, (as well as Mr. A. recollected his speech,) that if the President had claimed any portion of the territory beyond the latitude of 49° , he would have degraded himself and dishonored his country. But, what was worst of all, he had attempted to prove this. The President said he had made the offer of 49° in deference to his predecessors; but, if this had been a new question, he would not have done it. Mr. A. would not here go into a history of what his predecessors had done, but he would lay down one clear principle of the law of evidence. And he did not see why a clear principle applying to the rights of persons, did not apply with equal truth and justice to the rights of nations. The principle was this: that a proposition of A to B to settle a dispute between them could not be given in evidence when they came into court to try their rights; and this applied as well to real as to personal property. Such was the law; and if it was founded in justice, why did it not apply to nations? If, in efforts to settle a national dispute in an amicable manner, propositions should be made by one nation to the other, could it properly be said that the proposing nation was bound by that offer afterwards? He thought not. But if the President was bound to accept the parallel of 49° because his predecessors had offered it, then he must be bound also to yield the navigation of the Columbia river. If he was bound by a part he was bound by the whole.

If Mr. A. recollected right, in the correspondence which preceded the conventions of 1818, and in 1824 and 1826, propositions offered by both parties were subsequently withdrawn, under a protest that the offer should not affect their rights thereafter. This made the argument for Mr. A. stronger, and that for the Senator from North Carolina weaker.

But the same Senator took other ground, which he argued more plausibly. He said that, by the treaty of Utrecht, the line of 49° was established as a boundary. It was some time since Mr. A. had examined the history of that treaty, but he had looked into the treaty itself the last evening. He found that the line of 49° was not mentioned in the treaty at all. If it had been, there would have been no need of appointing commissioners to "prescribe" the line. There was no evidence that this had ever been done. Mr. Greenhow, who stated this, held a respectable position in the State Department, and had been furnished with the amplest means of investigation; and, in his work, he asserted that there was no proof that this line ever was prescribed as the treaty directed. He proved this conclusively, both positively and negatively; and held it a mistake in Mr. Monroe and others to suppose that it had been.

But, after all, what was the amount of his argument? Suppose the line was run, and that it extended to the ocean: did it not show the arrogance, the superlative arrogance of England, to claim territory south of that line? England was a party to the treaty of Utrecht, and must have been aware of all its provisions. If the argument of the Senators from Maine and Maryland was correct, what became of the English title south of the line of 49° ? Yet some Senators insisted that she had a title to the territory south of 49° , and that we

ought to surrender it to her for the sake of the peace of the world.

The argument was good thus far. It was a fair inference from the treaty of 1819, that because the parallel of 49° , which was our boundary with Great Britain, ran from the Lake of the Woods to the Rocky mountains, that there it stopped: then we agreed to the joint occupancy of the whole territory beyond the mountains, leaving the title in abeyance, and beyond the mountains the parties were thrown on their original rights to the whole. Mr. A. agreed with the Senator from Michigan, [Mr. Cass,] when he declared that he was unable to see why this particular line of 49° north was offered as a compromise boundary. The sole reason could not be that it was our boundary east of the mountains, and that we held the country south of that line by contiguity: for with so great a mountain-barrier in the way, none could contend that contiguity alone could give title; but if it did, contiguity ran as well from south to north as from east to west; and if so, the country north of California belonged as much to Spain by contiguity as the country north of 49° , and west of the mountains belonged by contiguity to England. We claimed the whole country under the Spanish title, as well as by our own right of discovery.

The Senator from Maine tried to shake our title from discovery and settlement by saying that Mr. Astor, who settled at the mouth of the Columbia, was in partnership with a British subject from Canada; but Mr. Greenhow stated that the greater part of those who settled Astoria were Americans, and that none were Canadians but the trappers. But supposing that they were all Canadians, and that the settlement, therefore, according to the Senator, might as well be called a British settlement as an American, was it not a little strange that England should send out a ship-of-war to capture her own post, and should return to us at the peace a British settlement which we never possessed? England herself had answered the Senator's argument.

The Senator from Maine admitted that our title was good to the Columbia valley; but if so, why stop at 49° , for the northernmost waters of the Columbia had their source as far north as 53° ? Here, then, we lost four degrees. But more than that, by establishing the line of 49° we should lose twenty-nine-thirtieths of Vancouver's Island, which was the most important portion of the whole territory, and indeed of the whole northwest coast. Now, Mr. A. had thought that if there was any strength in the argument of the Senator from New York, [Mr. Dix,] it was in that part of it which established the Spanish title to Vancouver's Island. The Spaniards were the first who discovered it, the first who surveyed it, and the first who occupied it. If they had a title to any part of the coast, it was to Vancouver's Island.

Mr. A. then repeated that he could see no reason why our title was to stop at the 49th degree. If England had any valid title to Frazer's river—if she could show any better title to that valley than we could, why let us yield it up to her. There did not, however, exist the slightest color of title on the side of Great Britain to the Frazer-river country. Our title in our own right and as the grantees of Spain is complete here and without a

flaw. The valley of Frazer's river is enveloped between the Columbia on the east and the deeply-channelled seacoast on the west, to both of which it is parallel. That river itself discharges into the narrow bay behind Vancouver's Island, as the Susquehannah, Potomac, and other rivers, are received by the inland Chesapeake. The desultory trip made by Sir Alexander Mackenzie, in which he crossed this river near the 54th degree, and returning to England, reported himself as having discovered the upper Columbia, amounts to nothing. The river was identified, navigated, and named by Frazer in 1812, during the war, and no exception was made in the general restoration made to us by England in 1818. England never claimed any title to this coast or the streams debouching through it either against Spain or the United States prior to the Spanish concession to us. The title to the coast carries with it the streams and the country drained by them as far as the highlands from which they flow. England has here as well as elsewhere in Oregon a temporary right to free trade with the natives conceded to her by Spain and the United States, and no more. Whatever settlement the English fur companies may at any time have formed either here or elsewhere beyond the Rocky mountains, are stipulated to be only for the convenience of trade, and to give no right of permanent occupancy.

With these views of our title which he had, Mr. A. would not yield up one inch of it, for he thought with the President that our title to the whole was the best in the world, and he would spend the last drop of blood and the last dollar in the United States treasury before he would yield up any portion of it without a just and fair equivalent. In the way of trade, indeed, after England acknowledged our title, he would be willing to take a very small equivalent; and if we had the constitutional power to surrender up to her two-and-a-half degrees of latitude, he would say, let her take it.

But the Senator from Maine seemed to him to come very reluctantly to the conclusion that our title might run by possibility half a degree north of 49°. Yet, by the Nootka treaty, it did extend up to Nootka Sound, and the Senator, in his magnanimity, had intimated that he would suggest to our negotiators to claim up to that point. Mr. A. thanked the honorable Senator for that much.

But the Senator from North Carolina had intimated that this whole Oregon question had been gotten up for the purpose of putting little men into great places; or, in other words, of making great men out of little ones. Now, he would ask that gentleman whether he did not think it possible that this proceeding might have originated in higher motives? For Mr. A.'s own part, he would never yield one inch of our territory to make a line of Presidents that should extend for a thousand years, and he was unwilling to impute base motives to honorable men. He was himself no man's man. When the Democratic party presented to him a man of high character, pure morals, and sound principles, he yielded him his support, and he expected still to do it, whether his course was governed by the resolutions of the Baltimore convention or not. Mr. A. went to that convention with no party connexions—he held himself aloof from such ties; his State had taken the matter in hand, and she

had delegates there consisting of as pure and honorable men as any that his State contained. But the Senator from North Carolina had said that that convention was made up of factionists led on by demagogues: if so, no good was to be expected from it, and if we lost the whole of Oregon it was what we well deserved. A great political party who would select and send up representatives from every part of this country to be led by factionists and demagogues, deserved nothing but loss and defeat. But Mr. A., for one, could not believe that such had been the fact.

The Senator from North Carolina, [Mr. HAYWOOD,] continued Mr. A., asked, "Where will you go for a President?" And it was well answered by my friend from Indiana, who said, "To the ranks of the people." "Ah, (replied the Senator,) will you go among the shoemakers and the cobblers for your President? They are no more qualified for such a station than a blacksmith is to make a watch." Now, I am no demagogue, but I have always been taught to have the highest regard for the intelligence of the people—for mechanics, and all those who earn their bread by labor. Among them are many who have adorned society; many who have in their day been the ornaments of the world. Men taken from the ranks of the people have shed a lustre upon humanity. Among the ancients, if I recollect, the name of Andronicus stands conspicuous—a man elevated from a garden to a throne. He acquitted himself as well with a crown upon his head, as he did with a spade in his hand. A distinguished Roman, Cincinnatus, was several times taken from the plough to lead the armies of the Republic. He was invested with the supreme command. There are numerous examples where men have been taken from the ranks of the people and placed in the highest offices. Is not the history of the world crowded with examples? Napoleon Bonaparte, the poor Corsican, boasted himself one of the people. The Marshals of France, who led armies to victory, were taken from the ranks of the soldiery. Sir, if that sentiment had come from the other side of the house I should not have been so much surprised as I am when I hear it coming from a Democratic Senator.

I had intended to say something about war. Sir, it devolves on England—and I wish to impress it upon Senators on the other side that it devolves on England—to relinquish her pretensions for the sake of peace. We are not to make all the sacrifices, and she to make none. If her title is not clear and unquestionable, it devolves upon her to yield in order to preserve the peace of the world. But they tell us: Take care what you do—better to sacrifice rights, unprofitable rights, than to involve the country in a war. Sir, it was said by the Senator from Kentucky, [Mr. CRITTENDEN,] and wisely said, in relation to this matter, that the man who would rashly involve the country in a war would assume a responsibility that would sink a navy. I have to answer, that the man who would sacrifice the rights of his country would assume a responsibility that would sink a world. I heard the Senator from Georgia [Mr. BERRIEN] make an expression of this kind in the early part of the session, and it is one in which I heartily concur, that the man who counsels his countrymen to go to war unnecessarily would obtain the

infamous renown of Erostratus. To this I subscribe. But I say further, that the man who counsels the surrender of the rights of his country to purchase peace, an inglorious peace, earns for himself a more infamous renown, and will receive it, than Erostratus.

Sir, there is one other remark. Oregon can but be lost in two ways: one is by negotiation, and the other is by masterly inactivity. I will not dwell upon the first point, for I do not anticipate that it will be resorted to. As I have the utmost confidence in the President, I confidently believe that he will not deceive his friends. It may be lost by inactivity. From this time forward let it be understood that Congress is to stand still in regard to Oregon; that our citizens in Oregon are not to receive the benefit of our laws; that they are not to have the protection of our soldiers; in every point of view, that we are to proceed upon the platform of non-action: what will be the effect? The inhabitants there must have a government; our people, above all others under the sun, are wedded to government and law. Leave them to themselves, and they will form a government: and what will be the result as to us? Patriotism, on the one hand, the ties that bind a man to the country which gave him birth, placed in one scale, and the inducements that will be, and are now, held out by some of their leading men, and by Dr. McLaughlin and others of the Hudson Bay Company, for the formation of an independent Government, placed in the other, and how will they likely be determined? Will they not say: "Our country has ceased to give us protection; she has given us no laws; she has given us no soldiers for our protection. After a while, when we shall have increased and multiplied, and filled the fertile valleys of Oregon with population; when we shall have covered her mountains with our flocks and herds; when our rivers shall be covered with vessels bear-

ing commerce; then the Government of the United States will be willing enough to extend over us her jurisdiction; they will be ready enough to send us governors, judges, marshals, and sheriffs, to control us; they will be ready enough to establish custom-houses and give us officers of customs, to send us surveyors and establish land offices, and appoint land agents to sell to the highest bidder our domain; they will be ready enough to do all this. Is it not better, therefore, that we now declare ourselves independent? Does not the head of the Hudson Bay Company tell us that England will assist in maintaining our independence? Have not the French offered the same thing? Have they not assured us that each settler shall possess a principality of land if we place ourselves under the shield of their protection? Place patriotism in the one scale, and these inducements in the other, and I leave it to Senators to judge which scale will kick the beam. And, as the Senator from Maine [Mr. EVANS] said the other day, California will follow, and in the course of less than fifty years they will have strength enough, they will have allies and friends enough, to enable them to carry their possessions from the Russian line to the Isthmus of Darien. Sir, I may be wrong, but I think that the Senator from Maine foreshadowed what will take place. The question presents itself thus: if the country west of the mountains is desirable, is worth preserving, is necessary to the strength, the glory, and the power of this country, we must have it; we must keep up a stream of emigration, a constant stream, and induce, by every possible means, a continuance of patriotism in the breasts of the settlers; we must countenance them, and make them feel that they are in immediate connexion with this Government. And if we do this, we shall preserve that vast territory, and shall make it a permanent and undivided portion of this great Republic.